

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SHANE COOK, KARLA CARO,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:21-cv-00930-RK
)	
FAMILY MOTORS, LLC, DERRICK)	
RICHARDSON, ANTONIO HARBIN,)	
BRENDA YOAKUM-KRIZ,)	
)	
Defendants.)	

SECOND ORDER TO SHOW CAUSE

The Complaint in this action was filed on December 24, 2021. (Doc. 1.) Under the Federal Rules of Civil Procedure, “if a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Plaintiffs were required to serve all Defendants on or before March 24, 2022. To date, no service of process has been filed as to Defendants Derrick Richardson and Antonio Harbin.¹ On May 13, 2022, the Court issued a show cause order for failure to provide proof of service of the Complaint on Defendants Richardson and Harbin. (Doc. 42.) Plaintiffs’ show cause response was due on or before May 20, 2022. (*Id.*) Plaintiffs did not file the show cause response as ordered by the Court.²

It is therefore **ORDERED** that Plaintiffs shall show cause in writing why their claims against Defendants Derrick Richardson and Antonio Harbin should not be dismissed for failure to

¹ Defendant Brenda Yoakum-Kriz filed a waiver of service on January 13, 2022, and Plaintiffs filed a return of service as to Defendant Family Motors, LLC on April 20, 2022. (Docs. 4, 34, respectively).

² Plaintiffs did file two additional motions on May 20, 2022, however: (1) a motion for default judgment against Defendant Family Motors, LLC (Doc. 43), and (2) a motion for summary judgment and supporting suggestions against Defendant Yoakum-Kriz (Docs. 44, 45, 46). In these filings, Plaintiffs (1) acknowledged they have failed to timely serve Defendants Harbin and Richardson (Doc. 43 at 3), and (2) stated that should their motions for default judgment and summary judgment be granted, they “concede” they will “file no objection to the dismissal” of Defendants Harbin and Richardson (Doc. 46 at 9). Neither of these filings are or could be construed as an appropriate show cause response as ordered by the Court. Rule 4(m) requires that if a defendant is not timely served, the Court must dismiss the claims against that defendant without prejudice or order that service be made within a specified time.

provide timely proof of service to the Court. Plaintiffs' show cause response is due on or before **May 27, 2022**. Failure to show cause pursuant to this Second Show Cause Order will result in dismissal of said claims without further notice.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: May 24, 2022